IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 32065 of 2007(P)

PETITIONERS:

1. **P.B.HARIKRISHNA BABU,**
   HARI BHAVAN, PERUMBAZHUTHUR,
   NEYYATTINKARA.

2. **SUMAM ROSE,**
   HARI BHAVAN, PERUMBAZHUTHUR,
   NEYYATTINKARA.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI
SRI.S.S.HUSSAIN

RESPONDENTS:

1. **KERALA STATE FINANCIAL ENTERPRISES**
   REPRESENTED BY ITS MANAGING DIRECTOR,
   BHADRATHA, MUSEUM ROAD, THRISSUR-680001.

2. **BRANCH MANAGER,**
   KERALA STATE FINANCIAL ENTERPRISES,
   NEYYATTINKARA 1ST BRANCH, NEYYATINKARA-695 121.

3. **SPECIAL DEPUTY TAHSILDAR(RR),**
   K.S.F.E LIMITED, NEYYATTINKARA-695 121.

4. **CHANDRA ROSE,**
   THIDUTHIANVILA, PARANIYAM,
   THIRUPURAM VILLAGE, NEYYATTINKARA-695 121

BY ADV. SRI.T.NAVEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)No.32065 of 2007

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Dated this the 10th day of December 2007

JUDGMENT

The 4th respondent availed a loan from the first respondent. Second petitioner is the sister of the 4th respondent. Petitioners stood as sureties for the 4th respondent. There was default in repayment of the loan. The averments in the writ petition show that the 4th respondent had repaid only 25 instalments. There is now a demand for Rs.2,93,000/-. Learned counsel for the first respondent submits that if the principal debtor and the sureties are willing to effect settlement under the one time settlement scheme, the amount could be slashed down. In the meanwhile revenue recovery proceedings have been initiated in relation to the property belonging to the petitioner, as evidenced by Ext.P2.

2. After having heard the counsel on both sides, the writ petition is disposed of in the following terms:

i) Petitioners along with the 4th respondent shall make an application to the first respondent within a period of four weeks from today expressing their willingness to settle the balance amount due to

the first respondent under the OTS Scheme.

ii) On receipt of the said application, first respondent shall, after notice to the petitioners and the principal debtor draw up a proceedings showing the amount to be paid by the principal debtor along with the sureties in full and final settlement of the dues and accordingly the amount shall be remitted by the petitioners and the 4th respondent. The entire process should be completed within a period of three months from today. Sale of the property, as notified under Ext.P2, shall be kept in abeyance until a decision is taken in this regard. The petitioners application for one time settlement shall be considered, only if it is accompanied by deposit of an amount of Rs.50,000/- (Rupees Fifty Thousand only). It is made clear that if such payment is not effected, the application for one time settlement need not be considered and it will be open to the first respondent to proceed with enforcement of the revenue recovery proceedings in accordance with law.

V.GIRI, JUDGE

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